

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2007 Legislative Session

**Legislative Day No. 14
November 5, 2007**

HOWARD COUNTY TO WIT:

The Chairman called the session to order at 7:40 p.m.

Calvin Ball, Chairperson; Courtney Watson, Vice Chairperson; Greg Fox, Council Member; Mary Kay Sigaty, Council Member; and Jennifer Terrasa, Council Member, were present. Sheila Tolliver, Administrator to the County Council; Margaret Nolan, County Solicitor; Lynne Robeson, Office of Law; and Jennifer Sager, Legislative Coordinator, were also present.

APPROVE JOURNAL

The Chairperson moved to approve the journal for Legislative Day No. 13, October 1, 2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson to approve the journal was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve the journal passed.

APPROVE MINUTES

The Chairperson moved to approve the minutes of the County Council Meeting with the Chinese Delegation on October 15, 2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve the minutes passed.

The Chairperson moved to approve the minutes of the Legislative Public Hearing on October 15, 2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve the minutes passed.

The Chairperson moved to approve the minutes of the Legislative Work Session on October 22, 2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Terrasa and Watson; Abstain: Council Member Sigaty.

The motion to approve the minutes passed.

INTRODUCTION

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

Appointments

Council Resolution No. 127-2007 – Introduced by Chairperson - Appointing Michelle D. James to the Board of Appeals of Howard County, Maryland, for a term ending on December 31, 2013

A RESOLUTION appointing Michelle D. James to the Board of Appeals of Howard County, Maryland, for a term ending on December 31, 2013.

Council Resolution No. 128-2007 – Confirming the appointment of Kari Appler to the Board of Health

A RESOLUTION confirming the appointment of Kari Appler to the Board of Health.

Council Resolution No. 129-2007 – Confirming the appointment of Christopher J. Merdon to the Howard County Board of Directors of the Revenue Authority

A RESOLUTION confirming the appointment of Christopher J. Merdon to the Howard County Board of Directors of the Revenue Authority.

Council Resolution No. 130-2007 – Confirming the appointment of Laura Smit to the Alcohol & Drug Abuse Advisory Board

A RESOLUTION confirming the appointment of Laura Smit to the Alcohol & Drug Abuse Advisory Board.

Council Resolution No. 131-2007 – Introduced by Chairperson - Confirming the appointment of the members of the horse park task force

A RESOLUTION confirming the appointment of the members of the horse park task force.

Financial

Council Bill No. 75-2007 – Providing for the issuance of up to \$150,000,000 Howard County, Maryland Consolidated Public Improvement Refunding Bonds and up to \$25,000,000 Howard County, Maryland Metropolitan District Refunding Bonds; providing that such bonds shall be general obligations of the County; providing for the disbursement of the proceeds of such bonds and the levying of taxes to pay debt service on such bonds; providing for the private (negotiated) sale of such bonds; providing for an escrow deposit agreement and a continuing disclosure agreement

A BOND ISSUE AUTHORIZATION ORDINANCE providing for the issuance of up to \$150,000,000 Howard County, Maryland Consolidated Public Improvement Refunding Bonds and up to \$25,000,000 Howard County, Maryland Metropolitan District Refunding Bonds; providing that such bonds shall be general obligations of the County; providing for the disbursement of the proceeds of such bonds and the levying of taxes to pay debt service on such bonds; providing for the private (negotiated) sale of such bonds; providing for an escrow deposit agreement and a continuing disclosure agreement; authorizing the County Executive to specify, prescribe, determine, provide for or approve the final principal amounts, maturity schedules, interest rates and redemption provisions for such bonds, the final list of refunded bonds, and certain other matters, details, forms, documents or procedures; and providing for and determining various matters in connection therewith.

General

Council Bill No. 76-2007 – Amending the term of the County property tax credit for surviving spouses of emergency workers; amending a definition; clarifying the timing for filing an application for the credit; and generally relating to County property tax credits for surviving spouses of emergency workers in Howard County

AN ACT amending the term of the County property tax credit for surviving spouses of emergency workers; amending a definition; clarifying the timing for filing an application for the credit; and generally relating to County property tax credits for surviving spouses of emergency workers in Howard County.

Council Bill No. 77-2007 – Introduced by The Chairperson at the request of the County Executive at the request of the Board of Elections - Removing a provision in the Howard County Code that prohibits paying individuals to secure signatures on a petition to bring a law to referendum; and generally relating to referenda in Howard County

AN ACT removing a provision in the Howard County Code that prohibits paying individuals to secure signatures on a petition to bring a law to referendum; and generally relating to referenda in Howard County.

Council Bill No. 78-2007 – Establishing an Environmental Sustainability Board; providing for the membership, chair, and staffing of the Board; providing for the duties and responsibilities of the Board; requiring the Board to submit a certain annual report to the County Executive and to the County Council; providing the expiration dates of the terms of the initial members of the Board; and generally relating to the Environmental Sustainability Board

AN ACT establishing an Environmental Sustainability Board; providing for the membership, chair, and staffing of the Board; providing for the duties and responsibilities of the Board; requiring the Board to submit a certain annual report to the County Executive and to the County Council; providing the expiration dates of the terms of the initial members of the Board; and generally relating to the Environmental Sustainability Board.

Council Bill No. 79-2007 (ZRA-89)– Introduced by The Chair at the request of LDG, Inc. -
Amending the Howard County Zoning Regulations to permit BR (Business Rural) zoning districts to be established on local roads, under certain circumstances; and generally relating to the BR (Business Rural) zoning district

AN ACT amending the Howard County Zoning Regulations to permit BR (Business Rural) zoning districts to be established on local roads, under certain circumstances; and generally relating to the BR (Business Rural) zoning district.

Council Bill No. 80-2007 (ZRA-86) – Introduced by The Chair at the request of St. John Properties - Amending the Howard County Zoning Regulations to permit Flex Space in the POR zoning district by right in certain circumstances; and generally relating to Flex Space uses.

AN ACT amending the Howard County Zoning Regulations to permit Flex Space in the POR zoning district by right in certain circumstances; and generally relating to Flex Space uses.

Council Resolution No. 132-2007 – Introduced by Mary Kay Sigaty and Jennifer Terrasa -
Creating a task force to study public engagement in the Howard County land use planning processes.

A RESOLUTION creating a task force to study public engagement in the Howard County land use planning processes.

Council Resolution No. 133-2007 – Pursuant to Section 4.201 of the Howard County Code declaring that certain real property containing 0.232 acres owned by Howard County, Maryland and located at 12240 Maryland Route 108 in Clarksville, Maryland is no longer needed by the County for public purposes; authorizing the County Executive to convey the property to the State of Maryland; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to convey the property if he finds that it may have a further public use and submits his finding to the County Council for its consideration

A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that certain real property containing 0.232 acres owned by Howard County, Maryland and located at 12240 Maryland Route 108 in Clarksville, Maryland is no longer needed by the County for public purposes; authorizing the County Executive to convey the property to the State of Maryland; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to convey the property if he finds that it may have a further public use and submits his finding to the County Council for its consideration.

Council Resolution No. 134-2007 – Pursuant to Section 4.201 of the Howard County Code declaring that a 30-foot Water, Sewer and Utility Easement held by the County on property owned by Mission Road Investors, LLC, located at 8110 Washington Boulevard in Jessup, is no longer needed by the County for public purposes; authorizing the County Executive to terminate the easement interest, vesting title to the fee simple owner,

Mission Road Investors, LLC; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to terminate the easement if he finds that it may have a further public use and submits his finding to the County Council for its consideration

A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that a 30-foot Water, Sewer and Utility Easement held by the County on property owned by Mission Road Investors, LLC, located at 8110 Washington Boulevard in Jessup, is no longer needed by the County for public purposes; authorizing the County Executive to terminate the easement interest, vesting title to the fee simple owner, Mission Road Investors, LLC; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to terminate the easement if he finds that it may have a further public use and submits his finding to the County Council for its consideration.

Council Resolution No. 135-2007 – Pursuant to Section 4.201 of the Howard County Code declaring that a 30-foot Water, Sewer and Utility Easement held by the County on property owned by Mission Road Investors, LLC, located at 8126 Washington Boulevard in Jessup, is no longer needed by the County for public purposes; authorizing the County Executive to terminate the easement interest, vesting title to the fee simple owner, Mission Road Investors, LLC; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to terminate the easement if he finds that it may have a further public use and submits his finding to the County Council for its consideration

A RESOLUTION approving the terms and conditions of a First Amendment to Payment in Lieu of Taxes Agreement by and between ODC Crossing, LLLP and Howard County, Maryland for a multi-family rental housing project known as Orchard Crossing Apartments.

Council Resolution No. 136-2007 – Approving the terms and conditions of a First Amendment to Payment in Lieu of Taxes Agreement by and between ODC Crossing, LLLP and Howard County, Maryland for a multi-family rental housing project known as Orchard Crossing Apartments

A RESOLUTION approving the terms and conditions of a First Amendment to Payment in Lieu of Taxes Agreement by and between ODC Crossing, LLLP and Howard County, Maryland for a multi-family rental housing project known as Orchard Crossing Apartments.

Council Resolution No. 137-2007 – Pursuant to the Howard County Cable Televisions Systems Franchise Act, denying an application received from Ellicott City Cable Company for a secondary cable television franchise in Taylor Village.

A RESOLUTION pursuant to the Howard County Cable Televisions Systems Franchise Act, denying an application received from Ellicott City Cable Company for a secondary cable television franchise in Taylor Village.

Council Resolution No. 138-2007 – Pursuant to the Howard County Cable Televisions Systems Franchise Act, denying an application received from Ellicott City Cable Company for a secondary cable television franchise in Waverly Woods

A RESOLUTION pursuant to the Howard County Cable Televisions Systems Franchise Act, denying an application received from Ellicott City Cable Company for a secondary cable television franchise in Waverly Woods.

FINAL CONSIDERATION

Council Resolution No. 99-2007 – Confirming the appointment of Patricia Rynn Sylvester to the Housing and Community Development Board *(Tabled 10/01/07)*

Council Resolution No. 124-2007 - Pursuant to Section 5-301 of the Education Article of the Annotated Code of Maryland, approving the Howard County Board of Education's Capital Budget Request for Fiscal Year 2009 and Capital Improvement Program Request for Fiscal Years 2010-2014 for the purpose of submission to the Interagency Committee on School Construction

The Chairperson motioned to remove Council Resolution No. 99-2007 from the table and to remove Council Resolution No. 124-2007 from the consent agenda. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion passed.

The Chairperson moved to adopt the following legislation.

Consent

Council Resolution No. 99-2007 – Confirming the appointment of Patricia Rynn Sylvester to the Housing and Community Development Board *(Tabled 10/01/07)*

Council Resolution No. 118-2007 - Confirming the appointment of Saba S. Sheikh, M.D. to the Adult Public Guardianship Review Board

Council Resolution No. 119-2007 - Confirming the reappointment of Margaret R. Chelton to the Adult Public Guardianship Review Board

Council Resolution No. 125-2007 - Introduced by The Chair at the request of the County Executive At the request of Carson Scholars Fund - Approving a project submitted by Carson Scholars Fund to provide funding and support to local elementary and middle schools in Priority Funding Areas of Howard County, as defined by the Maryland Department of Housing and Community Development, so that they can create a space where students can read in a quiet, inviting, and secure atmosphere

The Chairperson moved to adopt the consent legislation. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the consent items was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolutions No. 99-2007, No. 118-2007, No. 119-2007 and Council Bill No. 125-2007 passed.

Financial

Transfer of Appropriation Ordinance No. 1 - Fiscal 2008 - Transferring \$1,415,000 in Water Quality State Revolving loan funding to Capital Project S-6251, Holiday Hills/Riverside Estates Water-Sewer, from Capital Project S-6214, Sewer Contingency Fund, and transferring the same amount in Metro District Bond funding to Capital Project S-6214, Sewer Contingency Fund, from Capital Project S-6251, Holiday Hills/Riverside Estates Water-Sewer

The Chairperson moved to adopt Transfer of Appropriation Ordinance No. 1 – Fiscal 2008. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Transfer of Appropriation Ordinance No. 1 – Fiscal 2008 passed.

Council Bill No. 65-2007 - To authorize and empower Howard County, Maryland to borrow, on its full faith and credit, up to \$1,415,000 from the Maryland Water Quality Financing Administration (the "Administration"), and to issue and sell its installment bonds to the Administration, the proceeds thereof to be used to pay costs of Capital Project No. S-6251 (Holiday Hills/Riverside Estates Water-Sewer), and to pay all related costs; and to levy taxes upon the assessable property within the County sufficient, together with benefit assessments, ad valorem taxes levied upon assessable property in the Metropolitan District and other available funds, to pay the debt service on such bonds; authorizing the County to enter into a Loan Agreement with the Administration to effect and further evidence such borrowing; and making certain findings and determinations

The Chairperson moved to adopt Council Bill No. 65-2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 65-2007 passed.

General

Council Bill No. 66-2007 - Introduced by Calvin Ball, Councilperson, and the Chair at the request of the County Executive/Co-spon. by Sigaty, Terrasa, and Watson - Establishing preferences for certain employees of certain public entities in the selection process for moderate income housing units

The Chairperson moved to adopt Council Bill No. 66-2007. His motion was seconded by Ms. Watson.

The Chairperson moved to suspend the rules to allow the introduction of Amendment No. 5 to Council Bill No. 66-2007 which was not prefiled.. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to suspend the rules passed.

The Chairperson moved to adopt Amendment No. 5 to Council Bill No. 66-2007 as follows: *(This amendment corrects and clarifies the title.)*

In the purpose paragraph of the title page strike “units.” and insert “units; revising the list of priorities used in the selection process; and generally relating to moderate income housing.”

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 5 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 5 to Council Bill No. 66-2007 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 66-2007 as follows: *(This amendment adds certain qualifications for receiving preferences for eligible purchasers of moderate income housing units.)*

On page 1 on line 21 strike “BY THE:” and add “BY:”.

On page 1 on line 28 strike “OR”.

On page 1 on line 30 add “OR

H. A NONPROFIT ENTITY THAT IS:

1. ORGANIZED OR OPERATED FOR THE PURPOSE OF PROVIDING HEALTH AND HUMAN SERVICES TO ANY GROUP OF PERSONS RESIDING IN HOWARD COUNTY; AND
2. DESIGNATED AS AN ENTITY ELIGIBLE TO RECEIVE THIS PREFERENCE BY DEPARTMENT REGULATIONS;”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 2 to Council Bill No. 66-2007 passed.

The Chairperson moved to adopt Amendment No. 3 to Council Bill No. 66-2007 as follows: *(This amendment corrects certain references in the bill.)*

On page 1 in line 24 strike “COUNTY”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 3 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 3 to Council Bill No. 66-2007 passed.

The Chairperson moved to adopt Amendment No. 4 to Council Bill No. 66-2007 as follows:
(*This amendment clarifies certain terms.*)

On page 1, in line 31, strike “DISLOCATED BY ROUTE 1 REDEVELOPMENT” and substitute “DISPLACED, WITHIN ONE YEAR PRIOR TO APPLICATION FOR A CERTIFICATE OF ELIGIBILITY, BY THE CLOSURE OF A MOBILE HOME PARK ADJACENT TO ROUTE 1”.

On page 2, in line 2, after “PROGRAM” insert “AUTHORIZED BY 42 U.S.C. 1437U AND 24 C.F.R. PART 984”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 4 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Amendment No. 4 to Council Bill No. 66-2007 passed.

The roll call vote called by the Chairperson on Council Bill No. 66-2007 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson
Council Bill No. 66-2007 passed as amended.

Council Bill No. 67-2007 - Introduced by Calvin Ball, Councilperson, and the Chair at the request of the County Executive/Co-spon. by: Sigaty, Terrasa, and Watson - Establishing requirements for rental housing owners to give notice of intended sale to the Department of Housing and Community Development, the Housing Commission, and tenant organizations for multi-family dwelling units; authorizing the Department, the Commission, and tenant organizations to take certain actions; authorizing the Department to adopt certain regulations

The Chairperson moved to adopt Council Bill No. 67-2007. His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 67-2007 as follows:
(*This amendment makes certain technical corrections, adds certain definitions and clarifies that 20% of units purchased by the Department or the Commission shall be maintained as affordable housing.*)

On page 1, after line 24, insert:

“(H) TITLE MEANS:

(1) A LEGAL OR EQUITABLE OWNERSHIP INTEREST IN RENTAL HOUSING; OR

(2) A LEGAL, EQUITABLE, OR BENEFICIAL INTEREST IN A PARTNERSHIP, LIMITED PARTNERSHIP, CORPORATION, TRUST, OR OTHER PERSON WHO IS NOT AN INDIVIDUAL, THAT HAS A LEGAL OR EQUITABLE INTEREST IN RENTAL HOUSING.”.

On page 1, in line 28, strike “MIHU’S” and substitute “AFFORDABLE DWELLING UNITS”.
On page 2, in line 3, strike “LISTING” and substitute “OFFERING”.

On page 2, in line 4, strike “UNITS”.

On page 2, in 27, strike “UNITS” and substitute “HOUSING”.

On page 2, strike beginning with “ANY” in line 28 down through “PROGRAM.” in line 30 and substitute “AT LEAST 20% OF THE UNITS OF ANY RENTAL HOUSING PURCHASED BY THE DEPARTMENT OR COMMISSION SHALL BE MAINTAINED AS AFFORDABLE TO PERSONS OF MODERATE INCOME AS DEFINED IN SUBTITLE 4 OF THIS TITLE.”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 1 to Council Bill No. 67-2007 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 67-2007 as follows:
(This amendment clarifies when the Department, Housing Commission, or tenant organization may request information from an owner.)

On page 2 in line 19 after “UPON” insert “ENTERING INTO NEGOTIATIONS AND ON”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 2 to Council Bill No. 67-2007 passed.

The Chairperson moved to adopt Amendment No. 3 to Council Bill No. 67-2007 as follows: *(This amendment corrects certain references in the bill.)*

On page 2 on lines 27 through 28 strike “SUBTITLE 4 OF THIS SUBTITLE” and substitute “SECTION 13.407”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 3 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 3 to Council Bill No. 67-2007 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 67-2007 passed as amended.

Council Bill No. 68-2007 - Introduced by Calvin Ball, Councilperson, and the Chair at the request of the County Executive/Co-spon. by Sigaty, Terrasa, and Watson - Establishing the right of first refusal, under certain conditions, for the County for units that are converted from rental units to condominium units pursuant to Section 13.1202 of the Howard County Code; providing that any such converted units purchased by the County shall be part of the County's moderate income housing unit program and shall meet the laws and regulations applicable to units in that program; authorizing the Department to adopt certain regulations

The Chairperson moved to adopt Council Bill No. 68-2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 68-2007 passed.

Council Bill No. 69-2007 - Introduced by: Jennifer Terrasa - Amending the Howard County Code for the purpose of requiring residential developments with 10 or fewer dwelling units to provide sidewalks on the portion of the development which fronts on State roads; requiring the developer of minor subdivisions to pay a fee-in-lieu under certain circumstances; and generally relating to sidewalks and walkways

The Chairperson moved to adopt Council Bill No. 69-2007. His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 69-2007 as follows: *(This amendment would add County Roads to the title, which was mistakenly omitted during drafting).*

On the title page, in line 3 of the title, immediately following "on", insert "County or".

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 1 to Council Bill No. 69-2007 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 69-2007 as follows: *(This amendment clarifies that fee in lieu money must be spent on sidewalk construction.)*

On page 2, in line 3, after "spent" insert "ON SIDEWALKS".

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 2 to Council Bill No. 69-2007 passed.

The Chairperson moved to adopt Amendment No. 3 to Council Bill No. 69-2007 as follows: *(This amendment would create criteria for DPZ to authorize a fee-in-lieu for larger developments).*

On page 2, after line 4, insert:

“THE DEPARTMENT OF PLANNING AND ZONING MAY ACCEPT A FEE-IN LIEU FROM DEVELOPERS FOR DEVELOPMENTS OF 5 TO 10 DWELLING UNITS LOCATED ON LOCAL ROADS IF THERE ARE:

1. NO EXISTING ADJACENT SIDEWALKS; OR
2. NO INSTITUTIONAL, SCHOOL, PUBLIC OR RETAIL FACILITIES, WITHIN 1000 FEET.”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 3 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 3 to Council Bill No. 69-2007 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 69-2007 passed as amended.

Council Bill No. 70-2007 (ZRA 87) - Introduced by The Chair at the request of Club Pooche - Amending the Howard County Zoning Regulations to permit Pet Daycare and Grooming establishments in various zoning, including the B-1, B-2, SC, M-1, M-2, CAC, and TNC zoning districts by right; permit Kennels in the M-1 zoning district by right; remove Kennels as a by right use in the M-2 zoning district

The Chairperson moved to adopt Council Bill No. 70-2007. His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 70-2007 as follows: *(This amendment would remove the incorrect reference in the title which states that Kennels will be removed as a by right use in the M-2 zoning district).*

On the title page, in line 4 of the title, strike “remove Kennels as a by right use in the M-2 zoning district;”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 1 to Council Bill No. 70-2007 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 70-2007 passed as amended.

Council Bill No. 72-2007 (ZRA 90) - Introduced by the Chairperson at the request of the County Executive/Co-spon. by: Ball, Councilperson; Sigaty, and Terrasa - Amending the Howard County Zoning Regulations to create criteria for projects owned by the Howard County Housing Commission in non-residential zoning districts; adding certain definitions; adding Housing Commission Housing Developments as a use permitted as a matter of right in certain districts; deleting and clarifying certain requirements related to moderate income housing units; providing for certain review; providing for the application of certain provisions of this Act

The Chairperson moved to adopt Council Bill No. 72-2007. His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 72-2007 as follows: *This amendment would permit Housing Commission housing developments only in POR zoning districts).*

On the title page, in lines 2 and 4 of the title, after “in” insert “a”; and in lines 3 and 4, strike “districts” and substitute “district”.

On page 1, strike lines 4 and 5, in their entirety; and in line 6, strike “and 127.2 “CE (Corridor Employment” District are” and substitute “is”.

On page 2, strike lines 1 through 4 and lines 11 through 29.

On page 4, strike lines 26 through 29.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 1 was: Nay: Council Members Ball, Sigaty, and Terrasa; Yea: Council Members Fox and Watson.

Amendment No. 1 to Council Bill No. 72-2007 failed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 72-2007 as follows: *(This amendment would exclude B-1 and B-2 zoning districts from the list where Housing Commission housing developments can be developed).*

On page 1, in lines 4 and 5, strike “118 “B-1 (Business: Local) District”, 119 “B-2 (Business: General) District”,”.

On page 2, strike lines 16 through 24, in their entirety.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Ball, Fox, Sigaty and Watson; Nay: Council Member Terrasa.

Amendment No. 2 to Council Bill No. 72-2007 passed.

The Chairperson moved to adopt Amendment No. 3 to Council Bill No. 72-2007 as follows: *(This amendment would provide that Housing Commission housing developments can not be developed on the commercial portion of property with a MXD overlay).*

On page 3, after line 2, insert:

“4. Permitted Uses

b. For Mixed Use Developments larger than 75 acres, the permitted uses shall be drawn from the following list:

(1) Uses permitted as a matter of right in the POR, B-1, and M-1 Districts, EXCLUDING HOUSING COMMISSION HOUSING DEVELOPMENTS ON NON-RESIDENTIAL LAND.

c. For Mixed Use Developments of 75 acres or smaller, the permitted uses shall be drawn from the following list:

(1) Uses permitted as a matter of right in the POR and B-1 Districts, EXCLUDING HOUSING COMMISSION HOUSING DEVELOPMENTS ON NON-RESIDENTIAL LAND.”

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 3 was: Yea: Council Members Ball, Fox and Watson; Nay: Council Members Sigaty and Terrasa.

Amendment No. 3 to Council Bill No. 72-2007 passed.

The Chairperson moved to adopt Amendment No. 4 to Council Bill No. 72-2007 as follows: *(This amendment would require a developer of Housing Commission housing developments to adhere to the stricter bulk regulations, either found in the zoning district where the development is located or in the Supplementary Zoning District regulations).*

On page 6, after line 8, insert:

“HOUSING COMMISSION HOUSING DEVELOPMENTS LOCATED IN A NON-RESIDENTIAL ZONE SHALL ADHERE TO THE REGULATIONS WHICH ARE MOST RESTRICTIVE, EITHER THE BULK REGULATIONS FOUND IN ITS ZONING DISTRICT OR THE SUPPLEMENTARY BULK REGULATIONS BELOW.”

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 4 was: Yea: Council Members Fox, Terrasa and Watson; Nay: Council Members Ball and Sigaty.

Amendment No. 4 to Council Bill No. 72-2007 passed.

The Chairperson moved to adopt Amendment No. 6 to Council Bill No. 72-2007 as follows: *(This amendment clarifies that universal design will apply to all Housing Commission Housing Developments and makes certain technical corrections.)*

On page 7, in line 9, strike “AGE-RESTRICTED ADULT HOUSING”.

On page 8, in line 8, strike “AN APPROPRIATE” and substitute “A LOGICAL”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 6 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 6 to Council Bill No. 72-2007 passed.

The Chairperson moved to adopt Amendment No. 7 to Council Bill No. 72-2007 as follows: *(This amendment would permit the Planning Board to approve no more than 4 acres of Housing Commission housing developments on non-residentially zoned land in a calendar year. Also, the Planning Board would be permitted to approve projects which have accumulated unused acreage for future projects up to ten acres).*

On page 8, after line 2, insert

“D. (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE PLANNING BOARD MAY APPROVE UP TO A MAXIMUM OF FOUR ACRES OF HOUSING COMMISSION HOUSING DEVELOPMENTS ON NON-RESIDENTIALLY ZONED LAND PER CALENDAR YEAR.

(2) IF THE PLANNING BOARD HAS APPROVED FEWER THAN FOUR ACRES OF HOUSING COMMISSION HOUSING DEVELOPMENTS ON NON-RESIDENTIALLY ZONED LAND IN PREVIOUS CALENDAR YEARS, THE MAXIMUM ACREAGE OF HOUSING COMMISSION HOUSING DEVELOPMENTS ON NON-RESIDENTIALLY ZONED LAND THE BOARD MAY APPROVE IN A LATER CALENDAR YEAR IS INCREASED BY THE UNUSED PORTIONS OF THE FOUR ACRES OF APPROVAL AUTHORITY FROM EACH OF THE PREVIOUS CALENDAR YEARS, UP TO A MAXIMUM APPROVAL OF TEN ACRES IN ONE CALENDAR YEAR.”.

Renumber the remainder of the section accordingly.

His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 7 to Council Bill No. 72-2007 as follows:

On page 1, strike the description, in its entirety, and substitute “*(This amendment would allow the Planning Board to approve no more than 15 acres of Housing Commission housing developments on non-residentially zoned land over a three year period).*”.

On page 1, strike lines 2 through 14, in their entirety, and substitute:
“D. THE PLANNING BOARD MAY APPROVE UP TO A MAXIMUM OF 15 ACRES OF HOUSING COMMISSION HOUSING DEVELOPMENTS ON NON-RESIDENTIALLY ZONED LAND IN A THREE CALENDAR YEAR PERIOD.”.

Renumber the remainder of the section accordingly.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 1 to Amendment No. 7 was: Nay: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 1 to Amendment No. 7 to Council Bill No. 72-2007 failed.

The roll call vote called by the Chairperson on Amendment No. 7 was: Nay: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 7 to Council Bill No. 7-2007 failed.

Council Member Terrasa moved to suspend the rules to allow the introduction of Amendment No. 8 to Council Bill No. 72-2007 which was not prefiled. Her motion was seconded by Mr. Ball.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to suspend the rules passed.

Council Member Terrasa moved to adopt Amendment No. 8 to Council Bill No. 72-2007 as follows: (This amendment would permit the Planning Board to approve no more than 12 acres of Housing Commission housing developments on non-residentially zoned land in a three year period.)

On page 8, after line 2, insert
“D. THE PLANNING BOARD MAY APPROVE UP TO A MAXIMUM OF 12 ACRES OF HOUSING COMMISSION HOUSING DEVELOPMENTS ON NON-RESIDENTIALLY ZONED LAND IN A THREE CALENDAR YEAR PERIOD.”.

Renumber the remainder of the section accordingly.

Her motion was seconded by Mr. Ball.

The roll call vote called by the Chairperson on Amendment No. 8 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 8 to Council Bill No. 72-2007 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 72-2007 passed as amended.

Council Bill No. 73-2007 - Removing certain zoning requirements from the Howard County Code that relate to properties wholly owned by the Howard County Housing Commission

The Chairperson moved to adopt Council Bill No.73-2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 73-2007 passed.

Council Bill No. 74-2007 - Introduced by The Chairperson at the request of the County Executive/Co-sponsored by Ball, Councilperson - Adding certain alternatives for continuing care facilities; clarifying that certain additional units shall be provided if a computation results in a fraction of a unit; providing that the Housing and Community Development Board, instead of the Housing Commission, shall set the initial price for certain units; amending certain factors for determining the initial sales price; prohibiting certain increases in initial sales prices; requiring that subsequent sales shall be offered to eligible purchasers; amending certain time periods pertaining to certain rental restrictions; removing certain criteria for determining income; clarifying that purchase or rent by a designee is not only in mixed-use developments; adding that Regulations adopted by the Department shall include certain criteria; making certain technical correction

The Chairperson moved to adopt Council Bill No. 74-2007. His motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 74-2007 as follows: *(This amendment clarifies that moderate income housing units must be evenly distributed throughout each phase of development.)*

On page 1, in line 4, strike “subsection” and substitute “subsections (d) and”.

On page 1, after line 28, insert:

“(d) [[Requirement to Provide On-Site and as a Ratio of the Same Types of Units.]] REQUIREMENTS APPLICABLE TO MODERATE INCOME HOUSING UNITS. Except as provided in subsection (e) and (f) of this section, a developer obligated to provide moderate income housing units in accordance with the zoning regulations as part of a development shall provide all of the [[units on the site of the development project and in the same ratio of unit types as required by the proposed development.]] UNITS:

- (1) ON THE SITE OF THE DEVELOPMENT PROJECT;
- (2) IN THE SAME RATIO OF UNIT TYPES AS PROPOSED FOR THE DEVELOPMENT; AND
- (3) EVENLY DISTRIBUTED WITHIN EACH PHASE OF DEVELOPMENT.”.

His motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 1 to Council Bill No. 74-2007 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 74-2007 as follows: *(This amendment would clarify the ownership information for prohibited transfers).*

On page 2, in lines 20 and 21, immediately after “PROPERTY” strike “OWNED BY THE COMMISSION OR THE COUNTY.”, and substitute:

- “
“
(1) WHOLLY OWNED BY THE HOWARD COUNTY HOUSING COMMISSION; OR

- (II) OWNED BY A LIMITED PARTNERSHIP OR LIMITED LIABILITY COMPANY FORMED SOLELY FOR THE PURPOSE OF OBTAINING THE BENEFIT OF FEDERAL LOW INCOME HOUSING TAX CREDITS UNDER SECTION 42 OF THE INTERNAL REVENUE CODE AND IN WHICH THE COMMISSION IS THE GENERAL PARTNER OR MANAGING MEMBER; OR**
(III) OWNED BY THE COUNTY.”.
-

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 2 to Council Bill No. 74 passed.

The Chairperson moved to adopt Amendment No. 3 to Council Bill No. 74-2007 as follows: *(This amendment adds a grandfathering provision applicable to certain prohibited transfers.)*

On page 10, in line 20, insert:

“Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that subsection (m) of Section 13.402, prohibiting transfers to properties owned by the Commission or the County, shall not apply to transfers approved by the Department of Housing and Community Development on or before January 1, 2010 to Commission-owned properties for which site development plans are technically complete on or before January 1, 2008.”.

On page 10, in line 21, strike “2” and substitutes “3”.

His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 3 to Council Bill No. 74-2007 as follows: *(This amendment will conform the language as adopted in Amendment No. 2 to Council Bill 74-2007 to the language in this amendment).*

After “that” in line 3, strike the balance of line 3 through “Development” in line 5 and substitute, “the prohibition of subsection (m) of section 13.402 adopted in Section 1 of this Act shall not apply to transfers approved” and in line 5, strike “to Commission owned properties”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 1 to Amendment No. 3 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 1 to Amendment No. 3 to Council Bill No. 74-2007 passed.

The roll call vote called by the Chairperson on Amendment No. 3 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 3 to Council Bill No. 74-2007 passed as amended.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.
Council Bill No. 74-2007 passed as amended.

Council Bill No. 62-2007 (ZRA-85) – Introduced by The Chair at the request of Dorsey Family Homes - Amending the Howard County Zoning Regulations to allow Traditional Residential Neighborhood standards to be applied to developments of six acres or more within historic districts or within 2000 feet of an historic district with direct access from a scenic road; providing certain requirements for open space in the R-ED zone, providing for certain exceptions in the R-ED zone; and generally relating to the Traditional Residential Neighborhood zoning district (*Tabled 10/01/07*)

The Chairperson moved to remove Council Bill No. 62-2007 from the table. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.
The motion passed.

The Chairperson moved to adopt Council Bill No. 62-2007. His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 3 to Council Bill No. 62-2007 as follows: (*This amendment would clarify in the title that certain garage locations can be considered in the R-ED zone.*)

On the title page, in line 5 of the title, after “exceptions”, insert “for garage locations”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the Amendment No. 3 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.
Amendment No. 3 to Council Bill No. 62-2007 passed.

The Chairperson moved to adopt Amendment No. 4 to Council Bill No. 62-2007 as follows: (*This amendment would correct a typographic error found in the bill.*)

On page 1, in line 14, after “R-A-15,” strike “R-A-15,”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 4 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.
Amendment No. 4 to Council Bill No. 62-2007 passed.

The Chairperson moved to adopt Amendment No. 5 to Council Bill No. 62-2007 as follows: (*This amendment moves language to a more appropriate subsection.*)

On page 1, strike in their entirety lines 28 through 32, inclusive.

On page 2, after line 6, insert:

“FOR THE R-ED ZONE, THE MINIMUM REQUIRED OPEN SPACE DEVOTED TO SQUARES AND SMALL FORMAL PARKS SHALL NOT BE LESS THAN FIVE PERCENT OF THE REQUIRED OPEN SPACE, AND ALTERNATE FRONTAGE MAY BE APPROVED ON A CASE BY CASE BASIS, PROVIDED THERE IS SUFFICIENT PUBLIC ACCESS.”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 5 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 5 to Council Bill No. 62-2007 passed.

The Chairperson moved to adopt Amendment No. 7 to Council Bill No. 62-2007 as follows: *(This amendment would require that the proposed changes for six acre developments would be subject to the Department of Planning and Zoning and Planning Board review).*

On the title page, in line 4 of the title, after “road”, insert “subject to certain reviews”.

On page 1, in lines 11 through 13, after “least”, strike the lines in their entirety; and in line 14 strike “OR”.

On page 1, after line 18, insert:

“TRADITIONAL RESIDENTIAL NEIGHBORHOOD REGULATIONS MAY BE APPLIED TO DEVELOPMENTS AT LEAST SIX ACRES IN SIZE IF THE PROJECT MEETS THE FOLLOWING CRITERIA:

- A. IT IS LOCATED IN A R-ED ZONED HISTORIC DISTRICT THAT WAS ORIGINALLY DEVELOPED WITH THE CHARACTERISTICS OF A TRADITIONAL RESIDENTIAL NEIGHBORHOOD OR WITHIN 2000 FEET OF AN HISTORIC DISTRICT THAT WAS ORIGINALLY DEVELOPED WITH THE CHARACTERISTICS OF A TRADITIONAL RESIDENTIAL NEIGHBORHOOD;
AND
- B. ACCESS IS GAINED FROM A SCENIC ROAD; AND
- C. THE TRADITIONAL RESIDENTIAL NEIGHBORHOOD DESIGN IS DETERMINED BY THE DEPARTMENT OF PLANNING AND ZONING AND THE PLANNING BOARD TO RESULT IN A BETTER DESIGN IN TERMS OF:
 - I. COMPATIBILITY WITH SURROUNDING DEVELOPMENT; AND
 - II. PROTECTION OF HISTORIC, SCENIC, AND ENVIRONMENTAL RESOURCES”.

His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 7 to Council Bill No. 62-2007 as follows: *(This amendment would clarify the amendment’s intent by adding the word “also” to the proposed amendment).*

On page 1, in line 12, after “MAY” insert “ALSO”.

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 1 to Amendment No. 7 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 1 to Amendment No. 7 to Council Bill No. 62-2007 passed.

The roll call vote called by the Chairperson on Amendment No. 7 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 7 to Council Bill No. 62-2007 passed as amended.

The roll call vote called by the Chairperson on Council Bill No. 62-2007 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 62-2007 passed as amended.

Council Resolution No. 120-2007 - Approving the development of an affordable housing project to be known as The Residences at Ellicott Gardens in Ellicott City, Maryland to be financed either directly by the Department of Housing and Community Development of the State of Maryland or through the Department's Community Development Administration

The Chairperson moved to adopt Council Resolution No. 120-2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 120-2007 passed.

Council Resolution No. 121-2007 - Approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between The Residences at Ellicott Gardens, LLC, and Howard County, Maryland for a multi-family rental housing project known as The Residences at Ellicott Gardens

The Chairperson moved to adopt Council Resolution No. 121-2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 121-2007 passed.

Council Resolution No. 122-2007 - Approving the development of an affordable housing project to be known as Park View at Emerson in Laurel, Maryland to be financed either directly by the Department of Housing and Community Development of the State of Maryland or through the Department's Community Development Administration

The Chairperson moved to adopt Council Resolution No. 122-2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 122-2007 passed.

Council Resolution No. 123-2007 - Approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between Emerson, LLLP and Howard County, Maryland for a multi-family rental housing project known as Park View at Emerson.

The Chairperson moved to adopt Council Resolution No. 123-2007. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 123-2007 passed.

Council Resolution No. 124-2007 - Pursuant to Section 5-301 of the Education Article of the Annotated Code of Maryland, approving the Howard County Board of Education's Capital Budget Request for Fiscal Year 2009 and Capital Improvement Program Request for Fiscal Years 2010-2014 for the purpose of submission to the Interagency Committee on School Construction

The Chairperson moved to adopt Council Resolution No. 124-2007. His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Council Resolution No. 124-2007 as follows: *(This amendment substitutes pages that were approved by the Board of Education after prefile. The pages prefiled were the Superintendent's proposed.)* (See attached.)

His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 1 to Council Resolution No. 124-2007 passed.

The roll call vote called by the Chairperson on the resolution as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 124-2007 passed as amended.

Council Resolution No. 126-2007 - Pursuant to the Howard County Cable Televisions Systems Franchise Act, provisionally denying, without prejudice, an application for a cable television franchise received from Cavalier Telephone Mid-Atlantic, LLC; and providing that the County does not waive certain legal arguments

The Chairperson moved to withdraw Council Resolution No. 126-2007 at the request of the sponsor. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion to withdraw was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

The motion to withdraw Council Resolution No. 126-2007 passed.

ADJOURNMENT

The Chairperson adjourned the legislative session at 8:45 p.m.

TABLED LEGISLATION

Council Bill No. 61-2007 (ZRA-84) – Introduced by The Chair at the request of Veli Demirel - Amending the Howard County Zoning Regulations to allow certain types of commercial schools to be permitted by right in the OT (Office Transition) zoning district; and generally relating to the OT zoning district *(Tabled 10/01/07) (Died November 8, 2007)*

Council Bill No. 63-3004 (ZRA-79) – Introduced by Mary Kay Sigaty - Amending the Howard County Zoning Regulations to establish a height limit on buildings in the New Town zoning district without exception; and generally relating to the New Town zoning district *(Tabled 10/01/07) (Died November 8, 2007)*

Council Bill No. 64-2007 (ZRA-83) – Introduced by Mary Kay Sigaty -Amending the Howard County Zoning Regulations to provide that the zoning cases considered pending and therefore subject to zoning regulation changes shall include those cases appealed or petitioned for judicial review; and generally relating to the Zoning Regulations Construction and Effective Date provisions *(Tabled 10/01/07) (Died November 8, 2007)*
